

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION**

11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114

NOTICE OF PUBLIC HEARING
concerning

**TENTATIVE CEASE AND DESIST ORDER
REQUIRING THE CITY OF GRASS VALLEY
WASTEWATER TREATMENT PLANT
TO CEASE AND DESIST FROM DISCHARGING CONTRARY TO
WASTE DISCHARGE REQUIREMENTS ORDER NO. R5-2009-0067
(NPDES NO. CA0079898)
NEVADA COUNTY**

On 12 June 2009, the California Regional Water Quality Control Board, Central Valley Region, (Central Valley Water Board) adopted Waste Discharge Requirements (WDR) Order No. R5-2009-0067 and Cease and Desist Order (CDO) No. R5-2009-0068, prescribing waste discharge requirements and compliance schedules for the City of Grass Valley Wastewater Treatment Plant (Facility). The Facility treats wastewater from the community and temporarily treats mine drainage from the Drew Tunnel. Tertiary treated wastewater from the Facility discharges into Wolf Creek, a water of the United States, and a tributary to the Bear River. Since 12 June 2009, through litigation and subsequent settlement negotiations between the City of Grass Valley and Newmont Limited USA (Newmont), it has been determined that the Drew Tunnel mine discharge is the responsibility of Newmont. Newmont has agreed to re-route the Drew Tunnel discharge to a new treatment facility which it will own and operate. The flow from Drew Tunnel will continue to discharge in the Facility until Newmont completes the construction of the new treatment facility, therefore hindering the Discharger's ability to comply with manganese and nitrate plus nitrite final effluent limits. This CDO proposes to extend the compliance date for manganese and nitrate plus nitrite to 1 June 2014, allowing Newmont time to complete the permitting, installation and startup process for the new treatment system.

A public hearing concerning this matter will be held during the Central Valley Water Board meeting, which is scheduled for:

DATE: 26/27/28 May 2010
TIME: 8:30 AM
PLACE: Regional Water Quality Control Board, Central Valley Region
11020 Sun Center Dr., Suite #200
Rancho Cordova, CA 95670

The designated party for this hearing is as follows:

- City of Grass Valley

Only designated parties will have the following rights: to call and examine witnesses; to introduce exhibits; to cross-examine opposing witnesses; to impeach any witness; and to rebut the evidence against him or her. All other persons wishing to testify or provide comments are interested persons and not designated parties. Such interested persons may request status as a designated party for purposes of this hearing by submitting such

request in writing to the Central Valley Water Board no later than **15 April 2010**. The request must explain the basis for status as a designated party and, in particular, how the person is directly affected by the discharge.


Persons wishing to comment on this hearing item must submit testimony, evidence, and/or comments in writing to the Central Valley Water Board no later than 5:00 p.m. on **15 April 2010**. Written evidence or comments submitted after 5:00 p.m. on **15 April 2010** will not be accepted and will not be incorporated into the administrative record if doing so would prejudice any party. All designated parties and interested persons may speak at the Central Valley Water Board meeting, and are expected to orally summarize their written submittals. Oral testimony and cross examination will be limited in time by the Board Chair.

Anyone having questions regarding the tentative Order should contact Mr. Josh Palmer at (916) 464-4674 or jpalmer@waterboards.ca.gov. Interested parties may download the proposed Order and related documents from the Central Valley Water Board's Internet website at http://www.waterboards.ca.gov/centralvalley/board_decisions/tentative_orders/. Copies of these documents may also be obtained by contacting or visiting the Central Valley Water Board's office at 11020 Sun Center Drive, #200, Rancho Cordova, California 95670-6114, weekdays between 8:00 a.m. and 5:00 p.m. **The final meeting agenda will be available at the following website:** http://www.waterboards.ca.gov/centralvalley/board_info/meetings/ **at least 10 days before the meeting. The agenda will provide the specific date the Board will consider the above item, indicate the anticipated order of all agenda items, and include staff revisions to the proposed order(s), if any.**

The procedures governing Central Valley Water Board meetings may be found at Title 23, California Code of Regulations, Section 647 et seq. and are available upon request. Hearings before the Central Valley Water Board are not conducted pursuant to Government Code section 11500 et seq. The procedures may be obtained by accessing http://www.waterboards.ca.gov/board_info/calendar/index.shtml. Information on meeting and hearing procedures is also available on the Central Valley Water Board's website at http://www.waterboards.ca.gov/centralvalley/board_info/meetings/mtgprocd.shtml or by contacting any one of the Central Valley Water Board's offices. Questions regarding such procedures should be directed to Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839.

The hearing facilities will be accessible to persons with disabilities. Individuals requiring special accommodations are requested to contact Ms. Kiran Lanfranchi-Rizzardi at (916) 464-4839 at least five working days prior to the meeting. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

Please bring the above information to the attention of anyone you know who may be interested in this matter.


for Kenneth D. Landau, Assistant Executive Officer

11 March 2010